

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:22-CR-75-3D

UNITED STATES OF AMERICA

v.

ORDER

XAVIER GARZA,

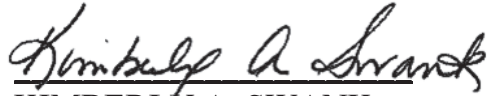
Defendant.

Following a detention hearing held November 14, 2022, Defendant was released on conditions, including pretrial supervision by the United States Probation Office. On December 8, 2022, a petition for action was filed in which it was alleged that Defendant violated the conditions of release by failing to comply with the home incarceration condition and leaving the residence with an unauthorized individual.

On December 13, 2022, Defendant was advised of his rights pursuant to Fed. R. Crim. P. 5 and 18 U.S.C. § 3148, and a pretrial release revocation hearing was held. The Government was represented by AUSA Katherine Englander, and Defendant was present and represented by Myron Hill. Based upon the evidence presented, the court determined that the Government has shown by clear and convincing evidence that Defendant violated the conditions of pretrial release as alleged in the petition filed December 8, 2022. The court further determined that there is no condition or combination of conditions that can be imposed to reasonably assure that Defendant will not pose a danger to the safety of the community and that he is unlikely to abide by conditions of release.

Accordingly, the court **ORDERS** that the Order Setting Conditions of Release entered November 14, 2022 [DE #29] be revoked and that Defendant be committed, pursuant to 18 U.S.C. § 3143, to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity to consult privately with defense counsel. On order of the court or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for any court appearances.

This 13th day of December 2022.


KIMBERLY A. SWANK
United States Magistrate Judge